

CASE 17-C-66

LOGAN

PAGE 0001

BRANDON CRUM

VS. COAL-MAC LLC

LINE	DATE	ACTION
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1	02/17/17	COMPLAINT FILED SUMMONS ISSUED COAL-MAC LLC, ARCH COAL INC &
2		MAILED TO SEC STATE FOR SERVICE, FILED. (PT)
3	03/02/17	SUMMONS RETURN ON COAL MAC, LLC ACCEPTED BY SECRETARY OF STATE
4		02/23/17 FILED.PC
5	03/02/17	SUMMONS RETURN ON ARCH COAL, INC. ACCEPTED BY SECRETARY OF
6		STATE 02/23/17 FILED.PC

EXHIBIT A



**Service of Process
Transmittal**

02/27/2017

CT Log Number 530766788

TO: Michelle Polson, Legal Department Administrator
Arch Coal, Inc.
1 Cityplace Dr Ste 300
Saint Louis, MO 63141-7066

RE: Process Served in West Virginia

FOR: Coal-Mac LLC (Domestic State: KY)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Brandon Crum and Denise Crum, etc., Pltfs. vs. Coal-Mac, LLC, etc. and Arch Coal, Inc., etc., Dfts.

DOCUMENT(S) SERVED: Summons, Complaint, Information Sheet

COURT/AGENCY: Logan County Circuit Court, WV
Case # 17C66

NATURE OF ACTION: Employee Litigation - Personal Injury - 02/25/2015

ON WHOM PROCESS WAS SERVED: C T Corporation System, Charleston, WV

DATE AND HOUR OF SERVICE: By Certified Mail on 02/27/2017 postmarked on 02/24/2017

JURISDICTION SERVED : West Virginia

APPEARANCE OR ANSWER DUE: Within 30 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Karen S. Hatfield
Lambert Law Office
PO Drawer 926
Gilbert, WV 25621
304-664-3096

ACTION ITEMS: CT has retained the current log, Retain Date: 03/01/2017, Expected Purge Date: 03/06/2017

Image SOP

Email Notification, Mike Kafoury mkafoury@archcoal.com

Email Notification, Michelle Polson mpolson@archcoal.com

SIGNED: C T Corporation System

ADDRESS: 5400 D Big Tyler Road
Charleston, WV 25313

TELEPHONE: 919-821-7139

CERTIFIED MAIL™



BUSINESS & LICENSING
1610 - 00

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

USPS CERTIFIED MAIL™



9214 8901 1251 3410 0001 8884 31

COAL-MAC LLC
C. T. Corporation System
5400 D Big Tyler Road
CHARLESTON, WV 25313



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
888-787-8883
Visit us online:
www.wvsos.com

Control Number: 174006

Defendant: COAL-MAC LLC
5400 D Big Tyler Road
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Logan

Civil Action: 17-C-66

Certified Number: 92148901125134100001888431

Service Date: 2/23/2017

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

SUMMONS

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

**BRANDON CRUM and
DENISE CRUM, his wife,**

Plaintiffs,

v.

**COAL-MAC LLC, a foreign
Limited Liability Company
and ARCH COAL, INC., a
foreign Corporation,**

Defendants.

CIVIL ACTION NO.: 17-C-66
JUDGE: *Bulcher*

ACCEPTED FOR
SERVICE OF PROCESS
2017 FEB 23 PM 12:35
CLERK OF COURT

To the above-named Defendant:

COAL-MAC LLC
c/o CT Corporation System
5400 D Big Tyler Road
Charleston, WV 25313

SERVE THROUGH WV SECRETARY OF STATE

SERVICE OF SUMMONS & COMPLAINT

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon plaintiffs' attorneys, KAREN S. HATFIELD #12217, whose address is P.O. BOX 427, GILBERT, WV 25621, and J. CHRISTOPHER WHITE #9462, whose address is P.O. BOX 536, LOGAN, WV 25601, an Answer, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within -30- days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated Feb 17, 2017

By

[Signature]

Deputy

[Signature]
Clerk of Court

**CIVIL CASE INFORMATION SHEET
IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA**

**BRANDON CRUM and
DENISE CRUM, his wife,
PLAINTIFFS,**

VS.

CIVIL ACTION NO.: 17-C-66
Butcher

**COAL-MAC LLC, a foreign
Limited Liability Company
and ARCH COAL, INC., a
foreign Corporation,
DEFENDANTS.**

DAYS TO ANSWER: 30

I. Defendants' Addresses:

- a. Coal-Mac LLC
c/o CT Corporation System
5400 D Big Tyler Road
Charleston, WV 25313
- b. Arch Coal, Inc.
c/o CT Corporation System
5400 D Big Tyler Road
Charleston, WV 25313

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2017 FEB 17 P 1:54
CIRCUIT CLERK
LOGAN COUNTY

II. TYPE OF CASE:

A. PERSONAL INJURY/DELIBERATE INTENT/NEGLIGENCE

III. JURY DEMAND:

- a. YES
- b. Case will be ready for trial by : 6/2018

IV. Plaintiff does not require any special accommodations due to a disability.

Representing Plaintiff:

Attorney Name: Karen S. Hatfield, Esq.
Firm: Law Office of Karen S. Hatfield, PLLC
Address: PO Box 427, Gilbert, WV 25621
Telephone: 304-664-5000
2/17/17
Date *Karen S. Hatfield*
Karen S. Hatfield, Esq.

J. Christopher White, Esq.
Wolfe, White & Associates
P.O. Box 536, Logan, WV 25601
304-752-7715

2/17/17
Date *J. Christopher White by Karen S. Hatfield*
J. Christopher White, Esq. *as per mission*

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

**BRANDON CRUM and
DENISE CRUM, his wife,**

Plaintiffs,

v.

**COAL-MAC LLC, a foreign
Limited Liability Company
and ARCH COAL, INC., a
foreign Corporation,**

Defendants.

**CIVIL ACTION NO.: 17-C-66
JUDGE: Butcher**

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CIRCUIT CLERK
LOGAN COUNTY**

COMPLAINT

COME NOW the Plaintiffs, Brandon Crum and Denise Crum, his wife, and complain and allege against the defendants, Coal-Mac LLC and Arch Coal, Inc., jointly and severally, as follows:

PARTIES

1. Plaintiffs Brandon Crum and Denise Crum are residents and citizens of Whitman, Logan County, West Virginia.

2. The defendant, Coal-Mac LLC (hereinafter "Coal-Mac"), is a foreign limited liability company, formed in the State of Kentucky, and authorized to do business in the State of West Virginia and doing business at Holden in Logan County, West Virginia. Its agent and address for service of process is CT Corporation System, 5400 D Big Tyler Road, Charleston, WV 25313.

3. The defendant, Arch Coal, Inc. (hereinafter "Arch"), is a foreign corporation, formed in the State of Delaware, and authorized to do business in the State of West Virginia and doing business at Holden in Logan County, West Virginia. Its agent and address for service of process is CT Corporation System, 5400 D Big Tyler Road, Charleston, WV 25313.

4. Jurisdiction and venue are proper in the Circuit Court of Logan County, West Virginia, as the events giving rise to this cause of action occurred at the defendants' surface mine located at Holden, Logan County West Virginia.

FACTS

5. Plaintiffs restate and reallege paragraphs 1 through 4 as if set forth herein verbatim.

6. At all times relevant herein, the defendants were engaged in surface mining operations, including directing, controlling, owning, managing and/or supervising surface mining operations at their Coal-Mac Inc Holden #22 Surface mine at Holden, Logan County, West Virginia.

7. At all times relevant herein, Plaintiff Brandon Crum was employed as a welder at the Defendants surface mine at Holden, Logan County, West Virginia.

8. On or about February 25, 2015, while in the course of his employment with the Defendants, Plaintiff was instructed by his supervisors to weld while standing on scaffolding that was in disrepair, approximately 6 feet off the ground.

9. Prior to February 25, 2015, the Plaintiff and other mine employees had complained numerous times to mine management of the dangers of working with the mine's unsafe equipment, including the subject scaffolding.

10. On or about February 25, 2015, after Plaintiff had been welding for less than an hour while standing on said scaffolding, the scaffolding broke, causing Plaintiff to fall suddenly and violently to the ground below.

COUNT I

11. Plaintiffs restate and reallege paragraphs 1 through 10 as if set forth herein verbatim.

12. On or about February 25, 2015, Defendants failed to ensure that the Plaintiff and other employees had a safe working environment.

13. Defendant Arch Coal, as the owners and operators of the premises until which the Plaintiff Brandon Crum was working at the time of the events giving rise to this cause of action, owed to the Plaintiff a non-delegable duty to provide him with a safe place to work and to further provide for the exercise of ordinary care and maintenance for the safety of all individuals and invitees upon said premises.

14. Specifically, Arch Coal owed to the plaintiff a non-delegable duty to ensure that the Coal-Mac property and regularly inspected, maintained and cleaned its equipment.

15. Further, Arch Coal owed to the plaintiff a non-delegable duty to ensure that Coal Mac utilized properly trained maintenance personnel and properly maintained equipment, such as the subject scaffolding.

16. As a direct and proximate result of the failure of the Defendant Arch Coal to maintain its premises in a reasonably safe working condition, free of unnecessary and unreasonable hazards, the plaintiff, Brandon Crum, has sustained the severe and permanent injuries described herein.

COUNT II – DELIBERATE INTENT

17. Plaintiffs restate and reallege paragraphs 1 through 16 as if set forth herein verbatim.

18. On or about February 25, 2015, Defendant Coal-Mac, as the employer of Plaintiff Brandon Crum, violated West Virginia Code §23-4-2(d)(2) in that it consciously, subjectively and deliberately formed the intention to produce the specific result of the injuries suffered by the Plaintiff.

19. On or about February 25, 2015, Defendant Coal-Mac, as the employer of Plaintiff Brandon Crum, violated West Virginia Code §23-4-2(d)(2)(ii) in that:

(a) A specific unsafe working conditions that existed at Defendant's strip mine, as described herein, and to which Plaintiff Brandon Crum was exposed, presented a high degree of risk or strong probability of serious injury or death;

(b) Prior to plaintiff's injury, Defendant had actual knowledge of the existence of such specific unsafe working conditions and the high degree of risk and the strong probability of serious injury or death presented by such specific unsafe working conditions;

(c) Such specific unsafe working conditions and unsafe work practices as set herein were in violation of a state or federal safety statute, rule or regulation, whether cited or not, or of a commonly accepted and well-known safety standard within the mining industry or business of Defendant Coal-Mac, as demonstrated by competent evidence of written standards or guidelines which reflect a consensus safety standard in the industry, which statute, rule, regulation or standard was specifically applicable to the particular work and working condition involved, as contrasted with a statute, rule, regulation or standard generally requiring safe workplaces, equipment or working conditions;

(d) Notwithstanding its knowledge and appreciation of these specific unsafe working conditions set forth herein, Coal-Mac nevertheless intentionally thereafter exposed Plaintiff Brandon Crum to the specific unsafe working conditions;

(e) Plaintiff Brandon Crum suffered serious compensable injuries as described in section one, article four, chapter twenty-three as a direct and proximate result of the specific unsafe working condition.

20. As a direct and proximate result of Defendant Coal-Mac's actions and conduct, on or about February 25, 2015, Plaintiff sustained the severe permanent injuries and damages described herein.

COUNT III

21. Plaintiffs restate and reallege paragraphs 1 through 20 as if set forth herein verbatim.

22. As a direct and proximate result of defendants' conduct, acts and omissions, Plaintiff Brandon Crum suffered severe temporary and permanent injuries, including, but not limited to, the following:

- (a) cervical spine injury;
- (b) lumbar spine injury;
- (c) left shoulder injury;
- (d) lacerations and bruises;
- (e) impaired mobility;
- (f) impaired activities of daily living;
- (g) permanent physical impairment;
- (h) physical pain and suffering, past, present and future;

- (i) mental anguish and suffering;
- (j) nervousness and anxiety;
- (k) depression;
- (l) sleeplessness and nightmares;
- (m) loss of wages and benefits, past, present and future;
- (n) loss of future earning capacity;
- (o) loss of capacity to enjoy life;
- (p) past medical expenses in the amount;
- (q) future medical expenses;
- (r) annoyance and inconvenience; and
- (s) various other out-of-pocket expenses and damages.

COUNT IV

22. Plaintiffs restate and reallege paragraphs 1 through 21 as if set forth herein verbatim.

23. As a further and proximate result of the negligent and careless acts of Defendants as described herein, Plaintiff Denise Crum has been deprived by the loss of society, companionship and consortium of her husband, Brandon Crum.

24. Plaintiff Denise Crum has spent many hours transporting her husband to and from various medical clinics and hospitals. Additionally, Denise Crum has been required to provide medical assistance within her abilities to her husband, Brandon Crum, as well as performing an inordinate amount of household duties due to her husband's injuries.

25. Plaintiff Denise Crum alleges that, as a direct and proximate result of the Defendants' actions and inactions, she has suffered mental distress, anguish and an inordinate

increase of duties around her home and in her family life.

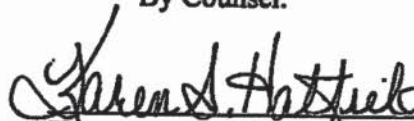
26. As a direct and proximate result of the negligent and careless acts of the Defendants as described here, Plaintiff Denise Crum has suffered damages and will continue to do so in the future.

PRAYER FOR RELIEF


WHEREFORE, plaintiffs respectfully demand judgment against the defendants, Coal-Mac LLC and Arch Coal, Inc., jointly and severally, in an amount to be determined by a jury according to the laws of the State of West Virginia, with additional amounts for costs, attorney fees, costs associated with the prosecution of this case, pre-judgment and post-judgment interest to the full extent permitted under law, and for any other relief the Court deems just and proper.

PLAINTIFFS DEMAND A TRIAL BY JURY.

**BRANDON CRUM and
DENISE CRUM, his wife,
By Counsel.**



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